

CITIZEN'S TRANSPORTATION OVERSIGHT COMMITTEE

ARIZONA DEPARTMENT OF TRANSPORTATION GILBERT TOWN HALL COUNCIL CHAMBERS

**SEPTEMBER 14, 2004
MEETING MINUTES**

A Citizen's Transportation Oversight Committee (CTOC) meeting was held at the Gilbert Town Hall Council Chambers, 50 East Civic Center Drive, Gilbert, Arizona on September 14, 2004 with Chairperson Roc Arnett presiding.

Members Present:

Roc Arnett, Chairperson
Terry Rainey, Maricopa County District 1
Jim Lykins, Maricopa County District 2
George Davis, Maricopa County District 4
Benjamin M. Bethel, Maricopa County District 5

Members Absent:

Ron Gawlitta, Maricopa County District 3
Dwight Amery, Member-at-Large

Others Present:

Kim Hildebrand, Auditor Gen.'s Office
Elizabeth Neville, ADOT
Matt Burdick, ADOT
Kwi Kang, ADOT
Tami Ryall, Deputy Manager Gilbert
Mike Walbert, Arizona Republic
Melanie Chesney, Auditor Gen's. Office
Joe Ryan, citizen
Maggie Cottney, citizen
Bob McKnight, citizen
Brian Townsend, citizen
Gary Green, citizen

Bill Hayden, ADOT
Jim Romero, ADOT
Sandra Quijada, ADOT
Ken Maruyama, Town of Gilbert
George Pettit, Town of Gilbert
Chuck Ullman, citizen
Betty Ullman, citizen
Tracey Conklin, citizen
Dianne Barker, citizen
Todd Hamilton, citizen
Dan Lance, ADOT

1. Call To Order:

Chairperson Arnett called the Citizen's Transportation Oversight Committee meeting to order at 6:00 p.m. He thanked Tami Ryall, George Pettit and the Town of Gilbert for their hospitality.

2. Approval of Minutes, July 22, 2004:

Chairperson Arnett called for a motion. Mr. Lykins moved to approve the minutes of July 18, 2004 meeting, Mr. Rainey seconded the motion passing unanimously.

3. Staff Report:

Bill Hayden, ADOT, reported the following information:

- George Davis was introduced as the new Citizen's Transportation Oversight Committee member representing the west area of the valley, District 4.
- ADOT construction crews will be working on the US 60 Stapley Road traffic interchange this coming weekend. Detours and delays are to be expected. The media will be used to provide information concerning hours of construction and detours.
- The Board was provided a copy of an editorial that appeared in the East Valley Tribune on Sunday entitled "A Welcome Debate". The editorial specifically addresses Proposition 400 and encourages positive debate or dialogue on the merits of the proposition, particularly with regard to the subject of transit. We have received several phone calls from citizens this week and concern has been expressed about what would happen if Proposition 400 were defeated. There were also questions as to what portion of the funding from Proposition 400 would go to new freeway construction and rehabilitation, transit, and light rail. Thought should be given to whether there is an alternative plan and who would have legal authority to proceed with another vote.

The following questions and comments were made:

Terry Rainey said he has also questioned what will happen if Proposition 400 fails and how will they proceed. He agreed alternative plans should be developed.

George Davis asked if an alternate plan would have to go through the Legislature and be put before the voters. Mr. Hayden explained the Legislature has direct responsibility for providing the funding mechanism for the plan. He said responsibility for development of the plan occurred in a two-fold manner. He explained a group called the Transportation Policy Committee developed the plan, which was then sent to the Maricopa Association of Governments Regional Council for final approval. He said an alternative plan would have to be subjected to the same rigid and comprehensive process. Mr. Davis asked if any group will be working on a possible alternative plan before the vote is taken.

Mr. Hayden said he is not aware of an alternative plan at this time.

Jim Lykins asked what the financial implications will be if Proposition 400 is defeated.

Mr. Arnett stated he serves on the Transportation Policy Committee where the plan was developed. He explained each region had regional equity in the funds, with the west valley's interest in freeways and an I-10 reliever and Phoenix's desire for light rail addressed. He said the plan also gives reasonable indication as to what to do with the funds. He explained the west valley's interests are focused on additional freeways, including an I-10 reliever, while Phoenix strongly supports light rail. He said, failing the federal government not funding the 20 mile segment, the light rail plan will move forward regardless of whether or not Proposition 400 is funded. He stated the plan is very balanced and he hopes the plan is voted on based on its merits and allowed to move forward. He explained the federally designated Metropolitan Planning Organization draws up the plan, does the planning and the Legislature authorizes the plan to go before the voters for expenditure approval. He suggested staff ask the Attorney General's Office for a legal opinion on what will happen if the proposition fails.

A motion to obtain a legal opinion from the Attorney General's Office was made by Mr. Rainey and seconded by Mr. Davis.

Mr. Hayden offered to prepare a request to the Attorney General's Office asking for an opinion as to what the next steps will be if the proposition fails. He said he will bring the request to the Committee for review prior to submitting the request to the Attorney General.

Joe Ryan, citizen, pointed out the public has a right to comment on all action items. He took issue with Chairperson Arnett's comments that the majority of people in Phoenix support light rail, stating that has not been the sentiment expressed to him by people he has spoken with on the subject. He suggested they let the issue proceed as planned.

Bob McKnight, citizen, pointed out the tax is a county tax, but the funds will be directed to projects in certain locals of the region. He said Senator Verschoor has promised a new bill if the proposition fails. He stated only 16 percent of Phoenix voters voted for the LRP. He said the RPTA is at a loss as to what to do and will have to undergo a significant reorganization regardless of whether the proposition passes or not.

Dianne Barker, citizen, stated they need a plan that will move people and goods efficiently and safely throughout the valley. She said, while the plan may be an attempt at giving every part of the valley what they wanted, she questions whether the plan actually solves the problem of mobility. She expressed her opinion that Phoenix's interest in light rail has more to do with economic renewal than transportation.

Benjamin Bethel joined the meeting.

Upon a call for the question, the motion passed by a vote of 4-0-1 (Benjamin Bethel abstained).

4. Regional Freeway System Performance Audit:

Kim Hildebrand, Auditor General's Office, updated members on the upcoming performance audit of the Regional Freeway System. She noted this will be the fourth audit of the Regional Transportation System. She explained the audit will be the fourth conducted according to state statute, with the first audit done in 1991, the second in 1997 and the third in 2000. She stated the current audit is due July 1, 2005 and they are currently putting together an RFP that will be put out for bid by the end of the week. She provided a list of issues the consultant will be asked to review, explaining three general areas to be reviewed are required by the statute and the remaining issues were developed through interviews with interested parties. She clarified the upcoming ballot initiative has no impact on the audit as it is an audit of the current excise tax.

The following questions and comments were made:

Chairperson Arnett asked if Proposition 400 passes, what audit work will be done to confirm projects are performing as originally projected.

Ms. Hildebrand was not comfortable guessing what the upcoming audit will entail; stating if Proposition 400 passes an audit will not be due from their office until 2010. She said the statute sets forth specific issues to be reviewed, including, if light rail is passed, service levels, capital costs, operation and maintenance costs, transit rider ship and fare box revenues. She said they are also required to evaluate the regional transportation plan and projects scheduled for funding based on performance factors such as congestion relief, accessibility, system

preservation, air quality and other environmental impacts, cost effectiveness and operational efficiency.

Chairperson Arnett stated the federal statute is even more specific than the state statute as to its audit performance measures.

Ms. Hildebrand was unfamiliar with the federal requirements.

Chairperson Arnett asked if the auditors would be devaluing the funds to ensure projected funds will be available to meet cost projections.

Ms. Hildebrand responded yes.

Terry Rainey asked how many bid proposals do they expect to receive.

Ms. Hildebrand was unable to say, noting they received four proposals in 2000. She said the RFP would be sent to a list of potential vendors and advertised in the Arizona Business Gazette.

Mr. Rainey asked if the RFP would go out for re-bid if all of the proposals submitted are higher than the estimate.

Ms. Hildebrand said they typically include a cost limit in the contract. She said they would likely have to negotiate with the contractor if the cost came in higher than the estimate.

Chairperson Arnett said a good portion of the 1991 audit was just being completed when he entered the Transportation Board in 1996. He stated many performance measures and compliance measures had to be followed and, in fact, were complied with by ADOT.

Ms. Hildebrand agreed, stating most of the recommendations that have come about as a result of the audits have been considered and adopted by ADOT.

5. Gilbert Transportation Update:

Tami Ryall, Deputy Manager, Town of Gilbert, welcomed CTOC members to Gilbert, stating they are proud of what they have accomplished over the past few years.

Ms. Ryall said the Santan is very curvilinear within the Town of Gilbert, creating a dramatic impact on the town's arterial system, specifically on Greenfield Road. She said the town decided to take a proactive response to the freeway construction, asking voters last year to approve a bond election to advance construct many of the projects. She said, as a result, they are confident they will be one of the first jurisdictions to have their arterial streets completed prior to opening of the freeway. She said they have also partnered with ADOT for a lot of enhancements within the freeway, including a trail system within the ADOT right-of-way. She stated parks will also be developed within the drainage basins ADOT planned for storm water runoff. She explained the theme along the Santan through the Town of Gilbert will follow a celebration of the town's heritage, specifically with regard to the railroad.

6. Status Update on the Santan Freeway:

Jim Romero, Transportation Engineer Manager, ADOT, provided a brief overview of the Santan Freeway. He said the section from I-10 to Price Road opened last year and they are currently under construction from the Loop 101 to Gilbert Road. He stated the project from Gilbert Road to Frye is currently advertised and bids are expected to open later this month and award of the project from Frye Road to Power Road is on the State Transportation Board's agenda. He explained construction of the Santan within the Town of Gilbert began last year and a major utility project was completed last fall, laying the framework for bridgework that is currently underway.

Mr. Romero continued the presentation, stating the section from Power Road to the US 60 interchange is currently under construction and the section from Baseline to Elliott Roads will be completed and open to traffic later this year. He stated Power Road to Elliott is expected to be completed and opened to traffic in mid-2006. He pointed out the complexity of the components of the service interchanges with the Red Mountain, Santan and US 60; stating Phase I construction of the interchange is underway and will be completed later this year. He explained Phase II of the interchange will build the rest of the ramps and the mainline of the Loop 202.

The following questions and comments were made:

Chairperson Arnett noted the East Valley Partnership Economic Development Committee at its meeting this morning announced the population of Gilbert has surpassed Tempe. Chairperson Arnett commented the corridors, once completed, will become phenomenal economic generators.

Jim Lykins said, as a Gilbert resident, he applauds Town Manager Pettit and, particularly, Tami Ryall, for their foresight and passion for the project.

7. Call to the Public:

Tracy Conklin, citizen, Vista Mesa HOA - asked for information concerning how her community will be affected now that the Santan project is moving closer to their community.

Chairperson Arnett suggested Ms. Conklin meet with Mr. Romero.

Ms. Conklin thanked the Committee for their welcoming attitude, stating, on occasion, she has not received the same welcome from the Transportation Department when she has called in. She confirmed for Chairperson Arnett her subdivision is located in the Broadway/90th Street area.

Gary Green, Chandler resident, said he is a semi-retired Energy Policy and Environmental Risk Consultant and has a Bachelor of Science Degree from the Air Force Academy and a Masters in Business Administration from the University of Wyoming. He said, earlier this year, he set out to determine whether the light rail planned for Phoenix will be a negative or positive change for traffic in the greater Phoenix area. He stated he found no public material locally or in the news media to help him make a determination about safety issues and was ultimately referred to the Federal Transit Administration and a report entitled "The State Safety Oversight Program Annual Report for 1999". He stated, after reading and analyzing the report, he wrote an executive review report setting forth his finding that the Phoenix light rail is inherently unsafe. He explained the light rail will share on-grade roadway space with pedestrians, vehicles,

bicycles and buses. He said Phoenix is known as the red light running capital of the United States and when light rail becomes operational the red light runners will be killed or kill others at an increased rate. He stated extension of the light rail system will only serve to extend the opportunity to kill more people beyond the Phoenix city limits. He questioned whether CTOC members were exposed to the safety information with regard to light rail. He asked if the members read the final environmental impact statement in the Section 4F evaluation for the Central Phoenix East Valley Light Rail Transit Project. He stated, if not, he has prepared and will distribute copies of a CD containing the Federal and State Safety Oversight Program report, a copy of his review of the report, and the final environmental impact statement.

Joe Ryan, Sun City West resident, stated Federal laws that pertain to TEA21, the law that provides funds for the county's excise tax to be used for transportation cost objectives, requires government officials at public hearings to give the affected citizen's time to comment on the expenditure plans. He stated on the critical subject of county highway funding, past and future, a fixed time limit is unreasonable. He said the current state law that gives citizens an ability to comment on transportation plans and expenditures has been limited, in deference to special interests and contrary to the intent of the Case Grande protocol, to roadway subjects. Nevertheless, an employee of VMRI, a Publicity Manager of the Valley Metro Rail Company, spoke at length before the CTOC Board. He said while citizens have been unable to point out fraudulent aspects of the project, Chairperson Arnett and one other board member of CTOC, according to what Mr. Gawlitta stated at a prior meeting, wrote a letter stating CTOC supports the \$2.3 billion expenditure. He stated it is obvious that to expose the light rail promotions as fraudulent takes more than three minutes and, furthermore, the meeting comes under the state's Open Meeting Law ARS §38-341.10(g) and it is obvious that a fixed time limit on these subjects is unreasonable. He referred to the Central Phoenix East Valley Light Rail Project and its \$2.3 billion capital project that will use excise tax funds that are clearly needed to fund better intersections and more lanes to reduce traffic congestion and a contingent reduction of pollutants, carbon monoxide, carbon dioxide, ozone and PM10 pollutants. He said this is a safety matter – a matter of life and death. He asked the members to listen to the facts that the VRMI manager did not mention during her presentation: 1) The open houses of the late 1990's had charts indicating the vehicles would run 65 mph vehicles and located stations on the side of the street; 2) reports at public expense on surveys of the public, mostly for rapid transit, alleged 70 percent were for rapid transit; 3) pictures and other misleading propaganda were published in the Arizona Republic.

Chairperson Arnett informed Mr. Ryan he had 30 seconds left to make his presentation.

Mr. Ryan stated he will continue in accordance with the law.

Chairperson Arnett advised Mr. Ryan he was out of order, stating he must conclude his comments within 30 seconds or the meeting will be concluded.

Mr. Ryan asked that all of the documents he submitted be placed in the minutes. He informed Chairperson Arnett he was violating the law by restricting him to a few minutes on these very important subjects.

Mr. Ryan's written statement continued: "4) Mailings with pictures of stations not in streets; 5) Routes to everywhere in City of Phoenix; 6) Faster way to the airport (via 22, 24 now 44th); 7) Model produced new boardings at 22nd St.; 8) Survey of business leaders 1 in 4 using LRT to airport – AOL reported as news item; 9) New starts report missing data on curbs, left turn

restrictions and u-turns and impossible data for traffic growth rates such as on/off data at Bethany Home and 19th Avenue – and no mention of the effects on “no build” bus riders to be caused by truncating today’s bus routes; 10) Air quality tech report false mix of traffic and phony traffic data with no data for 5pm traffic on I-10 at 7th Street in case six showing impossible data for traffic growth rates, no data for I-10; 11) in spite of technical errors in models, the project’s FEIS shows the federal TEA21 funds will be spent on a project that does not meet the standards of reducing traffic congestion, of reducing air pollution and making infrastructures more efficient. For 60 cents, a LRT rider will get a trip that will cost the taxpayers more than ten dollars; 12) ‘rapid transit’ on the 3/14/2000 ballot; 13) Map W 66 miles of routes in Phoenix, some going outside Phoenix, on the 3/14/2000 ballot; 14) in 1999 & 2000 more than a million dollars spent by a PAC to get majority of voters to vote “yes”. Because of that, the special interests got what they wanted; 15) the FTA’s 9th Region Record of Decision includes false information – such as saving a traveler’s time when using the light rail services to travel from downtown to airport and traveling eastbound on the one-way westbound Washington from Central to 22nd Street. Members of CTOC, you have not been given a chance to vote on whether or not it is appropriate to cut spending on highways and bus transit in order to fund the very uneconomic LRT project that has been sold to the public with false propaganda. I ask you to insist that the public be made aware of this in the MAG meetings where your Chairman voted for the light rail funding. Thank you for your attention, consideration and, I pray, some action. Joseph B. Ryan, A resident of Maricopa County living for the past 12 years at 1331 Paintbrush Drive, Sun City West, AZ 85375.

Bob McKnight Phoenix resident, read and submitted the following written statement: “Mr. Chairman and Members of the Committee, I am Bob McKnight from Sun City West. After my three minute verbal presentation, I would like an answer to one question. But first, I ask that three written documents be placed into the official minutes of this meeting, for they amplify what I am about to say. They are: 1. my letter dated September 8, 2004 to Chairman Arnett and Mr. Hayden; 2. the written part of my presentation on August 24, 2004 to a joint meeting of several agencies, including ADOT, called “The Early Phase Transportation Stakeholders Meeting” and 3. the brief and to-the-point flyer, paid for by Voters Opposing the Tax Extension, that begins with the sentence ‘Politicians say Light Rail will help the Valley’s air quality.’ Mr. Chairman, it is obvious that the excise tax, referred to as a ‘half-cent sales tax’, established by our Metropolitan Planning Organization (MPO) and approved by the Maricopa County voters, almost 20 years ago, has proved to be inadequate to pay for the items in the MPO’s 1985 20 year transportation plan. As you well know, the rate of growth of our County’s population has been for a long time, and will be during the next 22 years, lower than the rate of growth of vehicle miles driven in Maricopa County. It is estimated that, during this current 20-year period, the County’s population will have grown by less than 2 million residents. It is estimated that during the next 20-year period from 2006 to 2025 the County’s population will grow by nearly 3 million residents. Yet, only 85% of the planned excise tax of Prop 400 is for roadways, intersections and roadway transit objectives. Mr. Chairman, the MPO’s current inadequate excise tax for roads, intersections and roadway transit is 0.00500. Prop 400’s 2006-2025 excise tax for the SAME cost objectives is 0.00425. That will guarantee the County’s current air pollution problems will grow and become a major hazard to residents, especially those in the East Valley. Death from breathing problems is a terrible death. The issue is KEEPING OUR COUNTY’S AIR SAFE. You have a written request to have the glaring errors in Proposition 400 debated before the public. The very purpose of this committee is to cause actions to correct planned transportation problems that will affect 6,000,000 County citizens in the Year 2025. Citizens’ questions are not on the agenda of either today’s CTOC meeting or the next MAG Regional Council and the Transportation Policy Committee (TPC) meetings. My question to you, Mr. Chairman, is ‘Why haven’t you placed these glaring problems of the MPO’s planned excise tax, the MPO’s planned road construction and the MPO’s planned road transit operations on the

three agendas?' I would appreciate an answer now. Thank you for all of your attention and, in advance, Mr. Chairman, for your reply."

Dianne Barker Phoenix resident noted it took approximately two hours to arrive at the meeting traveling by bus and folding bicycle. She said, after reading the minutes, she sees the Chairperson has tried to find a way to take citizens' comments to MAG and ADOT, but that present law may not allow him to do so. She stated, after seeing the presentation on the corridors, she believes there could be an opportunity to ride a bus or train through the corridor. She asked Chairperson Arnett to take her written comments to MAG and ADOT. She urged the state to better utilize its infrastructure, using Phoenix's currently underutilized transit and rapid transit buses. She stated the public needs to be assured that people are sincere about what they are getting in the future and that no special interests are coming into play. She asked everyone involved in the plans, including Chairperson Arnett, to have a conscience and not sell themselves out for a meal. She reported Gary Pierce got an award from MAG and his company will print the ballots and Chairperson Arnett has made money with RPTA and, therefore, should not be allowed to vote on light rail. She expressed her opinion "conflicts of interest" should have been declared at all levels.

8. Next Scheduled Meeting:

Tuesday, November 23, 2004
West Valley, 6:00 p.m.

9. CTOC Member Reports:

Mr. Davis stated this has been an enlightening experience and he looks forward to serving on CTOC and contributing to the Maricopa County highway system.

10. Closing Comments and Adjournment:

Meeting adjourned at 7:25 p.m.